

5648. **Adulteration and misbranding of cognac brandy. U. S. * * * v. William P. Bernagozzi and Ferdinando Bernagozzi (W. P. Bernagozzi & Bro.) Pleas of guilty. Fine, \$50. (F. & D. No. 7425. I. S. No. 1465-k.)**

On August 10, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William P. Bernagozzi and Ferdinando Bernagozzi, trading as W. P. Bernagozzi & Bro., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on December 21, 1914, from the State of New York into the State of Pennsylvania, of a quantity of an article labeled in part, "Fine Old Cognac Brandy," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this Department showed the following results:

Contents-----	1 pint 6.6 fluid ounces.
Proof (degrees)-----	88
Fusel oil (grams per 100 liters, 100-proof alcohol)-----	3
Esters, as acetic (grams per 100 liters, 100-proof alcohol)---	15
Acidity, as acetic (grams per 100 liters, 100-proof alcohol)	2.7
Aldehydes, as acetic (gram per 100 liters, 100-proof alcohol) -----	0.3
Furfurol (gram per 100 liters, 100-proof alcohol)-----	0.06
Paraldehyde test: Positive.	

Analysis indicates sample consists wholly or in large part of neutral spirits artificially colored with caramel.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, neutral spirits, colored with caramel in imitation of brandy, had been substituted, in whole or in part, for cognac brandy, which the article purported to be; and for the further reason that it was an inferior product, to wit, an imitation cognac brandy, consisting, in whole or in part, of neutral spirits, and had been colored with, to wit, caramel, in a manner whereby its inferiority to genuine cognac brandy was concealed.

Misbranding was alleged in substance for the reason that the statements regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Aronel & Compan Fine Old Cognac Brandy" and "1870" and representation of three stars, were false and misleading in that they indicated to purchasers that the article was genuine cognac brandy produced in the Cognac district, Republic of France, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was genuine cognac brandy produced in the Cognac district, Republic of France, when, in truth and in fact, it was not, but was, to wit, a product consisting, in whole or in part, of neutral spirits colored with caramel in imitation of cognac brandy; and for the further reason that it consisted of, to wit, a product composed, in whole or in part, of neutral spirits colored with caramel, and was an imitation of, and was offered for sale under the distinctive name of, another article. Misbranding was alleged for the further reason that the article consisted of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On August 6, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*